



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Robert Grott
Po Box 124
Wolfeboro, NH 03984

LETTER OF DEFICIENCY
SP-2001-19
August 3, 2001

Dear Mr. Grott

On July 31, 2001, personnel from the Department of Environmental Services ("DES") conducted an inspection of your property, more specifically referenced as Town of Tuftonboro Tax Map 51, Lot # 14-1, Rt 109, Lake Winnepesaukee, Tuftonboro, New Hampshire. The purpose of this site inspection was to determine compliance with RSA 482-A, and RSA 483-B; the Comprehensive Shoreland Protection Act ("CSPA"). During the inspection the following deficiency was noted:

A patio structure has been built with an area of approximately 299 square feet, within 20 feet of the Lake Winnepesaukee reference line. Env-Ws 1405 requires accessory structures greater than 150 square feet to be set back a minimum of 50 feet from the reference line of water bodies subject to RSA 483-B. An accessory structure that is no larger than 150 square feet may be as close as 20 feet from the reference line.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. The restoration plan should include provisions for removal of the patio, and restoration with native vegetation. The following should be included with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. existing conditions,
 - ii. proposed conditions after removal of the patio
 - b. A detailed description of the proposed means of erosion and sediment control and stabilization of the restoration area;
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. The planting plan should specify the number, type of plant species, and proposed location of plantings. Saplings should be a minimum of 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species.
 - d. A description of the proposed construction sequence and methods for accomplishing the restoration, and timeframe for completion.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

In the event that a compliance report cannot be submitted within this time period, DES may order you to take such remedial measures as may be necessary. Failure to comply with such an Order may result in enforcement action by DES under RSA 483-B:18. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.

The written restoration report outlining corrective measures shall be addressed as follows

Allyson Gourley
Shoreland Compliance Coordinator
Department of Environmental Services
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A or RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, Shoreland Code for Administrative Rules Env-Ws 1400, along with a fact sheet on accessory structures.

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley (603) 271-6876.

Sincerely,

COPY

Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL

Cc DES Water Division, Rene Pelletier, Manager, Land Resources Management Program
DES Enforcement Coordinator, Gretchen Rule
Tuftonboro Conservation Commission
Tuftonboro Board of Selectman
Tuftonboro Building Department
Jody Connor – Director, NHDES Limnology Center
Allyson Gourley, DES